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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

BROADSTONE LAND, LLC, a California  
limited liability company,

Plaintiff,

vs.

CHARMING CHARLIE MARKETS, INC., a  
Delaware corporation; and DOES 1 – 10,  
inclusive,

Defendants.

Case No. 2:22-cv-01091-JAM-AC

**AMENDED JOINT STATUS REPORT**

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**AMENDED JOINT STATUS REPORT**

Pursuant to the Court's Minute Order [Docket No. 15], Defendant Charming Charlie Markets, Inc. ("Charming Charlie" or "Defendant") and Plaintiff Broadstone Land, LLC ("Broadstone" or "Plaintiff") hereby submit this amended joint status report. The parties jointly submit this status report.

Should the Court require a status conference, the parties respectfully request that a status conference be held either telephonically or virtually.

On August 8, 2022 and January 9, 2023, Defendant through its counsel, Trey Hendershot, Katie Cowart, and Kevin Holl conferred with Plaintiff through its counsel, Kirk Giberson, to confer on the items in this Amended Joint Status Report.

**(a) Nature of the case.**

Defendant Charming Charlie and Plaintiff Broadstone entered into a lease agreement whereby Plaintiff leased a retail space from Defendant. Plaintiff alleged that Defendant breached the lease agreement by failing to pay rent and moving out of the leased premises prior to the end of the lease term.

Defendant Charming Charlie will file its Original Answer and Affirmative Defenses no later than January 23, 2023.

**(b) Progress in the service of parties.**

All named parties have been served.

**(c) Possible joinder of additional parties.**

None anticipated at this time.

**(d) Any expected or desired amendment of pleadings.**

Plaintiff and Defendant do not anticipate amending pleadings at this time.

**(e) Jurisdiction and venue.**

The Parties believe that jurisdiction and venue is proper.

**(f) Anticipated Motions and scheduling of motions.**

At this time, the parties anticipate that they may file motions for summary judgment after discovery commences.

**(g) Anticipated discovery and the scheduling of discovery**

**(1) What changes, if any, should be made in the timing, form, or requirement for disclosures under Rule 26(a), including a statement as to when disclosures under Rule 26(a)(1) were made or will be made.**

The Parties will make their Initial Disclosures within 14 days after an answer is filed by Defendant. The Parties anticipate discovery to commence no later than 14 days after Defendant Charming Charlie files its Answer.

**(2) The subjects on which discovery may be needed; when discovery should be completed, and whether discovery should be conducted in phases.**

Discovery should be completed by September 22, 2023. The parties will likely conduct discovery on the performance of the lease agreement and damages, if any.

The Parties do not believe discovery needs to be done in phases.

**(3) What changes, if any, should be made in the limitations on discovery imposed under the Civil Rules and what other limitations, if any, should be imposed**

None.

**(4) The timing of the disclosure of expert witnesses and information required by 26(a)(2).**

Plaintiff will make its expert disclosures on or before May 18, 2023. Defendant will make its expert disclosures on or before June 19, 2023. Rebuttal expert reports will be due July 5, 2023.

**(h) Future proceedings, including setting appropriate cut-off dates for discovery, law and motion, and the scheduling of pretrial and trial**

Proposed time limit to file motions for leave to join other parties: March 7, 2023

Proposed time limit to amend the pleadings: no later than March 7, 2023.

Proposed time limits to file various types of motions, including dispositive motions: September 25, 2023.

Proposed time limit for objections to experts (i.e., *Daubert* and similar motions): September 25, 2023.

Pretrial Report and Motions in Limine: Two weeks before trial

Trial Docket Call: November \_\_, 2023.

**(i) Appropriate of special procedures.**

None anticipated at this time.

**(j) Estimate of trial time.**

3 days

**(k) Modification of standard pretrial procedures specified by the rules due to the relative simplicity or complexity of the action of proceedings.**

The Parties do not believe that the standard pretrial procedures need to be modified.

**(l) Whether the case is related to any other case, including any matters in bankruptcy;**

There are no related cases.

**(m) Whether a settlement conference should be scheduled; and**

The Parties are not opposed to a mediation after sufficient discovery has taken place.

**(n) Any other matters that may add to the just and expeditious disposition of this matter.**

Nothing additional at this time.

Dated: January 12, 2023

GORDON-CREED, KELLEY,  
HOLL, ANGEL & SUGERMAN, LLP

By: /s/ Kevin J. Holl  
Kevin J. Holl

and  
HENDERSHOT COWART, P.C.

By: /s/ Simon W. Hendershot  
Simon W. Hendershot, III (admitted *pro hac vice*)

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CHARMING CHARLIE MARKETS, INC

1 AND

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